

being original cosponsors of this bipartisan legislation.

H.R. 1353 was unanimously approved by the full Committee on Homeland Security earlier this month. Enacting my bill will ensure that TSA's technology objectives are more closely aligned with the industry's stakeholders that produce technologies to help TSA meet those objectives.

Mr. Speaker, I thank the Chair for his support, and I yield back the balance of my time.

Mr. RUTHERFORD. Mr. Speaker, I first want to congratulate my colleague, Miss RICE, for what I think is a great bill that is going to bring some accountability to TSA.

Once again, I urge my colleagues to support this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the House Committee on Homeland Security I rise in support of H.R. 1353, the "Transparency in Technological Acquisitions Act."

This bipartisan bill requires the Transportation Security Administration (TSA) to provide more frequent and detailed updates on its strategy to invest in security technology.

The five-year investment plan includes information such as:

1. Transportation security risks and gaps that could be addressed by technology
2. Current and expected trends in domestic and international travel
3. Opportunities for public-private partnerships and collaboration with small and disadvantaged companies, other government agencies, university centers of excellence and national laboratories
4. Resources required to protect technology from cyber theft, diversion, sabotage or attack
5. Potential effects on commercial airline passengers.

This bill would require the updates to be submitted annually and to include information on acquisitions made during the previous fiscal year.

Requiring TSA to provide annual updates on the acquisition plan and to notify Congress and industry stakeholders about any changes to the plan which will provide much-needed clarity, certainty, and transparency.

In 2015, TSA screened more than 708 million passengers, which is more than 1.9 million per day.

Of the 2,653 firearms discovered in carry-on bags, 82.8 percent were loaded.

Houston George Bush Intercontinental Airport ranked 3rd among airports with the most firearms discovered in 2015.

This last January, Esteban Santiago shot and killed five people inside Fort Lauderdale airport using a firearm stored in his luggage.

Terrorism and cyberattacks are likely to remain a reality for the transportation industry for the foreseeable future.

It is absolutely critical that we invest in minimizing transportation safety security risks to keep our citizens safe.

I ask my colleagues to join me in supporting H.R. 1353.

The SPEAKER pro tempore (Mr. FITZPATRICK). The question is on the motion offered by the gentleman from Florida (Mr. RUTHERFORD) that the House suspend the rules and pass the bill, H.R. 1353.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RUTHERFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

REDUCING DHS ACQUISITION COST GROWTH ACT

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1294) to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing DHS Acquisition Cost Growth Act".

SEC. 2. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following new section:

"SEC. 836. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

"(a) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—

"(1) NOTIFICATIONS.—

"(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for such program shall notify the Component Acquisition Executive for such program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after such breach is identified.

"(B) NOTIFICATION TO SECRETARY.—If a breach occurs in a major acquisition program and such breach results in a cost overrun greater than 15 percent, a schedule delay greater than 180 days, or a failure to meet any of the performance thresholds from the cost, schedule, or performance parameters specified in the most recently approved acquisition program baseline for such program, the Component Acquisition Executive for such program shall notify the Secretary and the Inspector General of the Department not later than five business days after the Component Acquisition Executive for such program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary are notified of the breach pursuant to subparagraph (A).

"(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—

"(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for such program shall submit to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, and the Under Secretary for Management in writing a remediation plan and root cause

analysis relating to such breach and program. Such plan and analysis shall be submitted at a date established at the discretion of the Under Secretary for Management.

"(B) REMEDIATION PLAN.—The remediation plan required under this subparagraph (A) shall—

"(i) explain the circumstances of the breach at issue;

"(ii) provide prior cost estimating information;

"(iii) include a root cause analysis that determines the underlying cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which such breach has occurred, including the role, if any, of—

"(I) unrealistic performance expectations;

"(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;

"(III) immature technologies or excessive manufacturing or integration risk;

"(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

"(V) changes to the scope of such program;

"(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874;

"(VII) legislative, legal, or regulatory changes; or

"(VIII) inadequate program management personnel, including lack of sufficient number of staff, training, credentials, certifications, or use of best practices;

"(iv) propose corrective action to address cost growth, schedule delays, or performance issues;

"(v) explain the rationale for why a proposed corrective action is recommended; and

"(vi) in coordination with the Component Acquisition Executive for such program, discuss all options considered, including the estimated impact on cost, schedule, or performance of such program if no changes are made to current requirements, the estimated cost of such program if requirements are modified, and the extent to which funding from other programs will need to be reduced to cover the cost growth of such program.

"(3) REVIEW OF CORRECTIVE ACTIONS.—

"(A) IN GENERAL.—The Under Secretary for Management shall review the remediation plan required under paragraph (2). The Under Secretary may approve such plan or provide an alternative proposed corrective action within 30 days of the submission of such plan under such paragraph.

"(B) SUBMISSION TO CONGRESS.—Not later than 30 days after the review required under subparagraph (A) is completed, the Under Secretary for Management shall submit to the congressional homeland security committees the following:

"(i) A copy of the remediation plan and the root cause analysis required under paragraph (2).

"(ii) A statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(b)(iv) for the major acquisition program at issue, with a justification for such action or actions.

"(b) REQUIREMENTS RELATING TO CONGRESSIONAL NOTIFICATION IF BREACH OCCURS.—

"(1) NOTIFICATION TO CONGRESS.—If a notification to the Secretary is made under subsection (a)(1)(B) relating to a breach in a major acquisition program, the Under Secretary for Management shall notify the congressional homeland security committees of such breach in the next quarterly Comprehensive Acquisition Status Report, as required by title I of division D of the Consolidated Appropriations Act, 2016, (Public Law

114-113) following receipt by the Under Secretary of notification under such subsection.

“(2) SIGNIFICANT VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required in paragraph (1) a written certification, with supporting explanation, that—

“(A) such program is essential to the accomplishment of the Department’s mission;

“(B) there are no alternatives to the capability or asset provided by such program that will provide equal or greater capability in both a more cost-effective and timely manner;

“(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

“(D) the management structure for such program is adequate to manage and control cost, schedule, and performance.

“(c) DEFINITIONS.—In this section:

“(1) ACQUISITION.—The term ‘acquisition’ has the meaning given such term in section 131 of title 41, United States Code.

“(2) ACQUISITION PROGRAM.—The term ‘acquisition program’ means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

“(3) ACQUISITION PROGRAM BASELINE.—The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which must be met in order to accomplish the goals of such program.

“(4) BEST PRACTICES.—The term ‘best practices’, with respect to acquisition, means a knowledge-based approach to capability development that includes—

“(A) identifying and validating needs;

“(B) assessing alternatives to select the most appropriate solution;

“(C) clearly establishing well-defined requirements;

“(D) developing realistic cost assessments and schedules;

“(E) securing stable funding that matches resources to requirements;

“(F) demonstrating technology, design, and manufacturing maturity;

“(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

“(H) adopting and executing standardized processes with known success across programs;

“(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

“(J) integrating the capabilities described in subparagraphs (A) through (I) into the Department’s mission and business operations.

“(5) BREACH.—The term ‘breach’, with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance threshold specified in the most recently approved acquisition program baseline.

“(6) CONGRESSIONAL HOMELAND SECURITY COMMITTEES.—The term ‘congressional homeland security committees’ means—

“(A) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Appropriations of the House of Representatives and of the Senate.

“(7) COMPONENT ACQUISITION EXECUTIVE.—The term ‘Component Acquisition Executive’ means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure that statutory, regulatory, and higher level policy requirements are fulfilled, including compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management.

“(8) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least \$300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 835 the following new item:

“Sec. 836. Congressional notification and other requirements for major acquisition program breach.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. RUTHERFORD) and the gentlewoman from New York (Miss RICE) each will control 20 minutes.

GENERAL LEAVE

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials in the RECORD on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1294, the Reducing DHS Acquisition Cost Growth Act.

The Department of Homeland Security, DHS, spends over \$7 billion, annually, on major acquisition programs. These programs secure our borders, protect our shores, safeguard our airports, and defend our cyber networks, among other critical missions. Unfortunately, the Government Accountability Office has reported that DHS acquisition management is on its high-risk list, since 2003, of areas most susceptible to waste, fraud, abuse, and mismanagement. Recent watchdog reports have revealed alarming findings regarding DHS’ acquisition efforts.

For example, in just 2016 alone, 8 out of 25 major acquisition programs experienced cost growth, schedule slips, or both. These program cost estimates increased by \$1.7 billion, and their schedules slipped by an average of 11 months. Given the enormous threats that are facing our homeland, it is unacceptable to make our frontline operators wait for the tools that they need to secure the homeland.

My bill will require much-needed oversight of DHS’ acquisition programs

to safeguard tax dollars and hold program managers accountable. When programs incur significant cost, schedule, or requirement problems, my bill requires that DHS leadership be informed. These programs will be required to put a remediation plan in place that corrects the problem and also analyzes the root causes of why the problems occurred in the first place.

The Homeland Security Committee in Congress must also be informed of such significant problems. No longer will the people’s representatives in Congress be kept in the dark. These requirements are similar to those used in the Department of Defense and will help DHS better safeguard tax dollars and more effectively secure our homeland.

Mr. Speaker, I urge all Members to join me in supporting this bill, and I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1294, the Reducing DHS Acquisition Cost Growth Act. Since the Department began its operations in 2002, it has spent tens of billions of dollars to procure goods, services, and supplies in support of DHS’ national security efforts. The agency’s major acquisitions investments, those that cost at least \$300 million, represent a significant portion of such purchasing.

The Department has worked to improve its acquisition programs in recent years, but DHS still struggles when it comes to major acquisitions. Take, for example, the SBInet—a southwest border infrastructure project—that ballooned in cost to about \$1 billion before it was canceled in 2011, after GAO found that it was ineffective.

More recently, there is the case of the Electronic Immigration System, an automated immigration benefits processing system. According to the Department’s inspector general, this U.S. citizenship immigration services program is now on course to be completed 4 years later than originally estimated and at a cost of \$1 billion more than estimated.

The importance and complexity of DHS’ mission demands effective oversight of the Department’s investments, particularly its major acquisitions. H.R. 1294 seeks to ensure greater congressional oversight of such acquisition programs by requiring the Department to report to Congress when cost, schedule, and performance requirements are not met. Additionally, when such requirements are not met, this bill requires DHS to provide Congress with an analysis explaining the root cause of the failures as well as a remediation plan to mitigate the problems.

The Committee on Homeland Security unanimously approved this measure earlier this month, and similar language was approved by the House in October 2015 as a part of comprehensive DHS acquisition legislation.

I commend my colleague from Florida for his work on this bill.

Mr. Speaker, effective oversight of the Department's acquisitions programs is essential to ensuring optimal program performance. Given DHS' limited budgetary resources and the gravity of its mission, it is critically important that DHS get its major acquisitions right. Enacting this legislation would require a greater level of accountability from DHS and give Congress a greater level of oversight to intercede before programs go off the rails.

Mr. Speaker, I urge support of H.R. 1294, and I yield back the balance of my time.

Mr. RUTHERFORD. Mr. Speaker, once again, I just urge my colleagues to support H.R. 1294.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EMMER). The question is on the motion offered by the gentleman from Florida (Mr. RUTHERFORD) that the House suspend the rules and pass the bill, H.R. 1294.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RUTHERFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1615

QUADRENNIAL HOMELAND SECURITY REVIEW TECHNICAL CORRECTIONS ACT OF 2017

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1297) to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quadrennial Homeland Security Review Technical Corrections Act of 2017".

SEC. 2. TECHNICAL CORRECTIONS TO QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (B), by striking "and" after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) representatives from appropriate advisory committees established pursuant to section 871, including the Homeland Security

Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49, United States Code; and";

(2) in subsection (b)—

(A) in paragraph (2), by inserting before the semicolon at the end the following: "based on the risk assessment required pursuant to subsection (c)(2)(B)";

(B) in paragraph (3)—

(i) by inserting ", to the extent practicable," after "describe"; and

(ii) by striking "budget plan" and inserting "resources required";

(C) in paragraph (4)—

(i) by inserting ", to the extent practicable," after "identify";

(ii) by striking "budget plan required to provide sufficient resources to successfully" and inserting "resources required to"; and

(iii) by striking the semicolon at the end and inserting the following: ", including any resources identified from redundant, wasteful, or unnecessary capabilities or capacities that may be redirected to better support other existing capabilities or capacities, as the case may be; and";

(D) in paragraph (5), by striking "; and" and inserting a period; and

(E) by striking paragraph (6);

(3) in subsection (c)—

(A) in paragraph (1), by striking "December 31 of the year" and inserting "60 days after the date of the submission of the President's budget for the fiscal year after the fiscal year";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "description of the threats to" and inserting "risk assessment of";

(ii) in subparagraph (C), by inserting ", as required under subsection (b)(2)" before the semicolon at the end;

(iii) in subparagraph (D)—

(I) by inserting "to the extent practicable," before "a description"; and

(II) by striking "budget plan" and inserting "resources required";

(iv) in subparagraph (F)—

(I) by inserting "to the extent practicable," before "a discussion"; and

(II) by striking "the status of";

(v) in subparagraph (G)—

(I) by inserting "to the extent practicable," before "a discussion";

(II) by striking "the status of";

(III) by inserting "and risks" before "to national homeland"; and

(IV) by inserting "and" after the semicolon at the end;

(vi) by striking subparagraph (H); and

(vii) by redesignating subparagraph (I) as subparagraph (H);

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) DOCUMENTATION.—The Secretary shall retain and, upon request, provide to Congress the following documentation regarding each quadrennial homeland security review:

"(A) Records regarding the consultation carried out the pursuant to subsection (a)(3), including—

"(i) all written communications, including communications sent out by the Secretary and feedback submitted to the Secretary through technology, online communications tools, in-person discussions, and the inter-agency process; and

"(ii) information on how feedback received by the Secretary informed each such quadrennial homeland security review.

"(B) Information regarding the risk assessment required under subsection (c)(2)(B), including—

"(i) the risk model utilized to generate such risk assessment;

"(ii) information, including data used in the risk model, utilized to generate such risk assessment;

"(iii) sources of information, including other risk assessments, utilized to generate such risk assessment; and

"(iv) information on assumptions, weighing factors, and subjective judgments utilized to generate such risk assessment, together with information on the rationale or basis thereof.";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection:

"(d) REVIEW.—Not later than 90 days after the submission of each report required under subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to which the findings and recommendations developed in the quadrennial homeland security review that is the subject of such report were integrated into the acquisition strategy and expenditure plans for the Department."

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to a quadrennial homeland security review conducted after December 31, 2021.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. RUTHERFORD) and the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1297, the Quadrennial Homeland Security Review Technical Corrections Act of 2017.

Congress mandated through the Implementing Recommendations of the 9/11 Commission Act of 2007 that the Department of Homeland Security conduct a quadrennial Homeland Security review every 4 years. This review is intended to outline DHS' vision and strategy to effectively implement its mission to protect the homeland. Given the threats that we face from terrorists, it is vital that DHS has a sound strategy to help keep the American public safe.

Last year, the Government Accountability Office reported on opportunities for DHS to improve the QHSR process, and the GAO made four recommendations for executive action. This legislation leverages GAO's findings to enhance the QHSR and make it better.

Specifically, this legislation requires DHS to conduct a risk assessment to